

IN THE DRAWINGS

Replacement formal FIGs. 5 and 7 are included with this Response to Office Action. No new matter is introduced in the replacement formal FIGs. 5 and 7.

REMARKS

Applicants thank the Examiner for the Examiner's timely and thorough search of the art and Office Action. Applicants, by this Amendment, have amended the Claims to overcome all deficiencies noted in the Examiner's Office Action. No new matter has been entered by this Amendment. After entry of this Amendment, Claims 1 – 4, 6 – 7, 9 – 13, 15 – 16 and 18 - 19 remain pending in the Application.

In the Office Action, the Examiner asserted that new matter was introduced by the previous Amendment in this Application by replacement FIGs. 5 and 7, and by new descriptive language inserted in the Specification in paragraphs beginning on page 5, line 8, and page 7, line 21. The Examiner required cancellation of the new matter in reply to this Office Action.

New replacement FIGs. 5 and 7 have been filed as part of this Response to Office Action. New material introduced in previous replacement FIGs. 5 and 7 has been removed in the new replacement FIGs. 5 and 7 filed in this Response to Office Action. Material introduced into the Specification by the previous Amendment in this Application is removed by this Response to Office Action.

Please cancel Claims 5, 14, 8 and 17.

The Examiner continued in the Office Action, rejecting Claims 1 – 3, 5 and 12 – 14 under 35 U.S.C. 103(a) as being clearly anticipated by U.S. Patent 4,005,782 to Crockett (hereinafter referred to as "Crockett") in view of U.S. Patent 4,126,232 to Orawiec (hereinafter referred to as "Orawiec").

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 3 and 12 – 13 under 35 U.S.C. 103(a) as being clearly anticipated by Crockett in view of Orawiec. Claims 5 and 14 have been canceled by this Amendment.

The Examiner explicitly stated in the Office Action that the platen 26 of Crockett was read on the shelf unit of the present invention. The present language of Claims 1 and 11 (the independent claims in the Application) specifically precludes reading Crockett's platen 26 on the shelf unit of the present invention. The shelf unit is now explicitly claimed as:

including a plurality of generally horizontal shelves substantially fixedly arranged in a generally vertical array

Crockett's disclosure teaches away from the present invention in more than one way.

Crockett's platen is a "movable mold platen" [Crockett; Col. 3, line 40] in a molding machine. Crockett's movable platen cannot fairly be read upon the shelf unit as now claimed. Crockett's movable platen is not necessarily horizontally oriented. Crockett's platen is not fixedly oriented with another similar unit – indeed Crockett's movable platen is explicitly described as movable.

Engagement between the supporting frame and the shelf unit of the present invention is explicitly claimed as hookingly engaging a shelf of the shelf unit. In contrast, Crockett merely refers to securing his picker on top of movable mold platen 26 by a mounting block 20 [Crockett; Col. 3, lines 37 - 40]. No details of such securing are described. There is no hooking engagement illustrated in any of Crockett's figures.

The shelf unit of the present invention supports the battery in an installed orientation. The rigid frame supports the motion generating unit and motion translating unit and is configured for engaging a higher shelf unit during the moving of the battery. In contrast,

Crockett's picker is designed for retrieving articles from between mold platens [Crockett; Col. 1, line 51]. Crockett's picker is designed for definite repeatability in operation and capable of moving its operating jaws in the X, Y and Z directions [Crockett; Col. 1, lines 60 - 62]. Simple hooking engagement with a shelf unit is not sufficient to provide the repeatability of operation touted as an advantage by Crockett for his picker. Such precision and repeatability are not required for the placing of a battery on a shelf.

Orawiec's disclosed motion translating unit 50 does not remedy Crockett's shortcomings.

Neither Crockett, nor Orawiec nor any combination of Crockett and Orawiec anticipates, discloses, teaches, shows, suggests, infers or in any way renders obvious the present invention as claimed in amended independent Claims 1 and 12. It is respectfully submitted that Claims 1 and 12 patentably distinguish over Crockett, Orawiec and any combination of Crockett and Orawiec.

The remaining Claims 2 – 3 and 12 - 14 rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Orawiec are all ultimately dependent upon one of amended independent Claims 1 and 12 and are therefore themselves each patentably distinct over Orawiec.

It is respectfully requested that the Examiner remove the rejection of Claims 1 – 3 and 12 – 13 under 35 U.S.C. 103(a) as being clearly anticipated by Crockett in view of Orawiec.

The Examiner continued in the Office Action, rejecting Claims 4, 6, 9, 10, 15 and 18 under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec as applied to Claims 1 – 3, 5 and 12 – 14 above, and further in view of U.S. Patent 5,420,772 to Evans (hereinafter referred to as "Evans").

Applicants respectfully traverse the Examiner's rejection of Claims 4, 6, 9, 10, 15 and 18 under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec and Evans.

Claims 4, 6, 9, 10, 15 and 18 are all ultimately dependent upon one of amended independent Claims 1 and 12 and are therefore themselves each patentably distinct over Crockett, Orawiec, Evans and any combination of Crockett, Orawiec and Evans.

It is respectfully submitted that Claims 4, 6, 9, 10, 15 and 18 patentably distinguish over Crockett, Orawiec, Evans and any combination of Crockett, Orawiec and Evans.

It is respectfully requested that the Examiner remove the rejection of Claims 4, 6, 9, 10, 15 and 18 under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec and Evans.

The Examiner continued in the Office Action, rejecting Claims 6 – 8, 11, 15 – 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec as applied to Claims 1 – 3, 5 and 12 – 14 above, and further in view of U.S. Patent 4,030,705 to Bontrager (hereinafter referred to as “Bontrager”).

Applicants respectfully traverse the Examiner's rejection of Claims 6 – 7, 11, 15 – 16 and 19 under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec and Bontrager. Claims 8 and 17 have been canceled by this Amendment.

Claims 6 – 7, 11, 15 – 16 and 19 are all ultimately dependent upon one of amended independent Claims 1 and 12 and are therefore themselves each patentably distinct over Crockett, Orawiec, Bontrager and any combination of Crockett, Orawiec and Bontrager.

In particular, Bontrager's "telescopically disposed" frame cited by the Examiner is not appropriately configured for effecting slidingly moving a battery, as presently claimed in Claims 11 and 19. Bontrager's frame is described:

Members 48 and 50 are telescopically disposed in members 32 and 34 and are held in various adjusted positions by pins or bolts 52 and 54 extending through holes in the side walls of members 23 and 34 and through one of a series of holes 56 and 58 in the two members 48 and 50 [Bontrager; Col. 2, lines 38 – 43; emphasis provided].

Applicants respectfully submit that holding members in various adjusted positions precludes sliding movement.

It is respectfully submitted that Claims 6 – 7, 11, 15 – 16 and 19 patentably distinguish over Crockett, Orawiec, Bontrager and any combination of Crockett, Orawiec and Bontrager.

It is respectfully requested that the Examiner remove the rejection of Claims 6 – 7, 11, 15 – 16 and 19 under 35 U.S.C. 103(a) as being unpatentable over Crockett in view of Orawiec and Bontrager.

The Office Action has been made FINAL. Because the TWO MONTH period following the mailing date of this final action ends on a Sunday (August 20, 2006), Applicants respectfully submit that this reply is timely filed on Monday August 21, 2006, as provided by 37 C.F.R. 1.7.

Since Applicants have fully and completely responded to the Official Action, this Application is now in order for early action and such early action is respectfully requested. If the Examiner would deem a telephone conference to be of value in expediting this Application, the Examiner is invited to call the undersigned attorney at (972) 662-9378 at the Examiner's convenience.

Respectfully submitted,



Donald D. Mondul

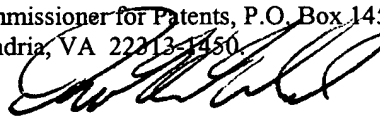
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I certify that this document is being deposited on August 21, 2006, with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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